



Senate

General Assembly

File No. 799

January Session, 2007

Substitute Senate Bill No. 570

House of Representatives, May 8, 2007

The Committee on Legislative Management reported through REP. AMANN, J. of the 118th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING LEGISLATIVE OVERSIGHT OF
CONSTRUCTION OR CLOSURE OF RESIDENTIAL FACILITIES
OPERATED BY THE DEPARTMENT OF CHILDREN AND FAMILIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective from passage*) (a) Prior to January 1, 2009,
2 no state agency, including, but not limited to, the Department of
3 Children and Families, may close a residential facility operated by the
4 Department of Children and Families without obtaining prior General
5 Assembly approval in accordance with this section.
- 6 (b) To obtain such General Assembly approval, the state agency
7 shall file a plan with the clerks of the House of Representatives and the
8 Senate. The plan shall include details about (1) the proposed closure
9 and any proposed new facility for residents displaced by the closure;
10 (2) the number of residents and staff affected by the proposed closure
11 and the number of potential residents of any proposed new facility; (3)
12 the associated costs of the proposed closure and any proposed new

13 facility; (4) statutory changes necessary to implement the closure or
14 construction of a proposed new facility; and (5) the planned use, if any,
15 of the facility's land and buildings after the closure.

16 (c) Not later than five days after receiving the plan, the clerks of the
17 House of Representatives and the Senate shall refer the plan to the
18 joint standing committee of the General Assembly having cognizance
19 of matters relating to human services. Not later than thirty days after
20 receiving the plan, the committee shall hold a joint public hearing on
21 the plan with the select committee of the General Assembly having
22 cognizance of matters relating to children. The committees shall seek
23 input from other committees or members of the General Assembly.
24 Not later than five days after the hearing, (1) the committees shall each
25 hold a roll-call vote to approve or reject the plan, in whole, and (2) the
26 joint standing committee of the General Assembly having cognizance
27 of matters relating to human services shall report the plan and a record
28 of each committee's vote to the General Assembly.

29 (d) The General Assembly shall vote on the plan and may approve
30 or reject the plan, in whole, by a majority vote of each house. If the
31 plan is submitted when the General Assembly is not in session, the
32 plan shall be deemed rejected if the General Assembly fails to convene
33 to consider the plan by the thirtieth day after the day it received the
34 plan from the committee.

35 (e) Notwithstanding the provisions of this section, in the event that
36 the head of a state agency or the Commissioner of Children and
37 Families certifies, in writing, to the Governor, the speaker of the House
38 of Representatives and the president pro tempore of the Senate that the
39 closure of a residential facility operated by the Department of Children
40 and Families is immediately required due to an emergency situation
41 that endangers the health, welfare or safety of the residents or staff of
42 such facility, the head of such agency or the Commissioner of Children
43 and Families may take whatever actions deemed necessary to
44 immediately close such facility and transfer the residents of such
45 facility to alternative residential placements. The head of a state agency

46 or the Commissioner of Children and Families shall, to the extent
47 feasible, provide the required written notice prior to the closure of
48 such facility and such writing shall specifically set forth all facts that
49 the head of the state agency or the commissioner has relied on in
50 making the determination to close the facility. In the event that a
51 residential facility is permanently closed pursuant to the provisions of
52 this subsection, the speaker of the House of Representatives and the
53 president pro tempore of the Senate may elect to submit the
54 determination that such residential facility is to be permanently closed
55 for General Assembly approval in accordance with the provisions of
56 this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
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LM *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Legislative Mgmt.	GF - Cost	0 - 10,000	0 - 10,000
Children & Families, Dept.	GOBonds - See Below	See Below	See Below

Note: GF=General Fund; GOBonds=General Obligation Bonds

Municipal Impact: None

Explanation

The bill requires the Joint Committee on Human Services and the Select Committee on Children to hold a public hearing and vote on any plan to close a residential facility operated by the Department of Children and Families (DCF). Holding a public hearing and a committee meeting during regular session will not result in a cost. If not in session, a public hearing and a committee meeting will result in minor costs to Legislative Management for legislator mileage reimbursements (currently 48.5 cents per mile). Subsequently, the plan must be forwarded for a vote by the full General Assembly. If such a plan were voted on by the General Assembly during regular session, no additional costs would be incurred. However, if this necessitated a special session, additional costs of \$10,000 per session day would result for sessional staff, printing and legislator mileage reimbursements.

The DCF operates five residential facilities. At this time, only the Connecticut Juvenile Training School (CJTS) is being considered for closure. As part of her recommended capital budget, the Governor has included a \$5 million General Obligation (GO) bond authorization in FY 08 to allow the department to plan for and develop treatment and reintegration centers (TREC's), which would replace the CJTS.

Should any enacted bond package include an authorization for planning and development of TRECs, allocation of the bond funding may be delayed given passage of this bill (sSB 570).

The Out Years***State Impact:***

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$	FY 12 \$
Legislative Mgmt.	GF - Cost	None	None	None
Children & Families, Dept.	GOBonds - See Below	None	None	None

Note: GF=General Fund; GOBonds=General Obligation Bonds

Municipal Impact: None

OLR Bill Analysis**sSB 570 (Reprint of File 341)*****AN ACT CONCERNING LEGISLATIVE OVERSIGHT OF
CONSTRUCTION OR CLOSURE OF RESIDENTIAL FACILITIES
OPERATED BY THE DEPARTMENT OF CHILDREN AND
FAMILIES.*****SUMMARY:**

This bill requires state agencies, until January 1, 2009, to get legislative approval before closing any residential facility the Department of Children and Families (DCF) operates. Currently, the department operates five facilities: the Connecticut Children's Place, the Connecticut Juvenile Training School, High Meadows, Riverview Hospital for Children and Youth, and the Wilderness School.

The bill establishes an approval process the agency and legislature must follow and an emergency bypass mechanism.

EFFECTIVE DATE: Upon passage

AGENCY CLOSURE PLAN

The bill requires the agency intending to close the facility (such as DCF, or the Office of Policy and Management) to first file a plan with the House and Senate clerks. It must include details about:

1. the proposed closure and any proposal for a new facility for the displaced residents, including associated costs;
2. how many children and staff will be affected and, if a new facility is planned, how many children could be placed there;
3. necessary statutory changes; and
4. any planned use for the closed facility's land and buildings.

LEGISLATIVE ACTION

The House and Senate clerks must refer the proposed plan to the Human Services Committee within five days of receipt. The bill requires the Human Services and Children's committees to hold a joint public hearing on the plan within 30 days of the referral. The committees also must seek information from other committees or legislators.

The committees must hold separate roll-call votes within 5 days of the hearing. They may only vote to accept or reject the plan in its entirety. The Human Services Committee must then report the plan and each committee's vote record to the full legislature within that same five-day period. Since the bill requires that all plans be submitted to the legislature, it appears that committee votes to reject a plan are the equivalent of recommendations to the full legislature, which must then vote to accept or reject it.

The legislature must vote on each plan submitted while it is in session. This requirement applies to plans filed at any point in the legislative session, including those filed when its constitutionally-required adjournment date is less than 30 days away.

The bill specifies that a majority vote in both chambers is required to either approve or reject the whole plan.

If the legislature is not in session when a proposed closure plan is filed, the clerks and Human Services and Children's committees must take the actions described above. A plan is deemed rejected unless legislative leaders call a special session to consider it within 30 days. The 30-day period runs from the date the Human Services Committee reports the plan and committee vote records.

EMERGENCY CLOSURES

The bill permits an agency to close a DCF facility immediately if it determines that an emergency endangers the health, welfare, or safety of facility residents or staff. It authorizes the agency head to take any action necessary to close it and transfer the residents to other suitable

facilities.

The agency head or DCF commissioner must give the governor and House and Senate majority leaders a written certification that the closure is or was required immediately due to an emergency. (If the governor is the agency head, presumably she need only notify the majority leaders.) He or she must, to the extent feasible, provide the notice before the facility closes. The notice must specifically set forth all facts that the agency head relied on in making the closure decision.

The bill authorizes the House speaker and Senate president pro tempore to refer a facility closure to the legislature, using the procedures described above, when the agency intends to make the emergency closure permanent.

BACKGROUND

Legislative History

After the Senate passed the bill on consent the House referred it (File 341) to the Legislative Management Committee. The committee reported a substitute bill specifying that the legislature must vote on all plans submitted while it is in session.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Substitute Change of Reference

Yea 7 Nay 3 (03/06/2007)

Human Services Committee

Joint Favorable Substitute

Yea 15 Nay 4 (03/22/2007)

Joint Committee on Legislative Management

Joint Favorable Substitute

Yea 13 Nay 6 (04/26/2007)